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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,237	09/17/2001	Zafar Khizer	KHZR1	7898

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EXAMINER

GRAYSAY, TAMARA L

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 09/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/854,237

Applicant(s)

KHIZER, ZAFAR

Examiner

Tamara L. Graysay

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 May and 17 September 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The information contained in the "Information Disclosure Statement" filed 12 May 2001, has been considered only to the extent that the information is included in the original application under the Background of the Invention, Description of the Related Art. The paper has not been considered as a formal Information Disclosure Statement because:

- a. it fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement; and,
- b. it fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.

Drawings

1. The drawings are objected to because
 - a. They fail to comply with 37 CFR 1.84(l) because every line (Fig.2,3,4,5,6,7,8a-e) is not sufficiently dense and dark, and uniformly thick and well-defined.
 - b. They fail to comply with 37 CFR 1.84(m) because the shading (Fig.4-5, 8a-e) does not aid in understanding the invention and reduces legibility.
 - c. They fail to comply with 37 CFR 1.84(p)(3) because the reference characters are not at least .32cm (1/8 inch) in height. (Figures 4-8e.)
 - d. They fail to comply with 37 CFR 1.84(u)(2) because the view numbers (Fig.1,2) are not larger than the numbers used for reference characters.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: The use of acronyms is acceptable, however, each should be spelled out at least at its first occurrence (ID and SQL). Appropriate correction is required.

Claim Objections

3. A series of singular dependent claims is permissible in which a dependent claim refers to a preceding claim which, in turn, refers to another preceding claim.

A claim which depends from a dependent claim should not be separated by any claim which does not also depend from said dependent claim. It should be kept in mind that a dependent claim may refer to any preceding independent claim. In general, applicant's sequence will not be changed. See MPEP § 608.01(n).

In the present application, applicant's claim numbers have not been changed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 7, 8, 9, 11, 12, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Internet Archive I (webpage, Art Instruction School home page), Internet Archive II (Art Instruction School scholarship page), and Evans, (article, What best predicts computer proficiency?).

Generally, the claims recite a process and system for using a website to promote a measurement instrument (test), using the instrument to measure the aptitude of a person's skill

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(computer aptitude), and using the measuring instrument registration as a tool to compile enrollment leads for a training program.

Internet Archive I teaches Internet registration for receiving an measuring instrument (art test). The website registration is used as an enrollment lead insofar as the website is used “to find talented, aspiring artists” based on an evaluation of the art test by the Art Instruction Schools. As such, the art test serves as a prequalification test before acceptance to a training program. Internet Archive II teaches the use of an official entry form that is submitted for measuring the aptitude of the test taker. Although not particularly discussed, it is inherent in Internet Archive I and II that the test is evaluated and the results are communicated to the registrant after the official entry art test form is returned.

Internet Archive I and II lack the computer aptitude environment.

Evans teaches applying a pre-training test in the computer aptitude arena. For example, using testing for computer proficiency prior to training, whether educational study, career, or employment, to help people make better decisions about their study majors or careers and to avoid expensive employee training selection mistakes (p.5, ¶5). Evans further mentions using aptitude testing for “discriminating among enrollment applicants” (p.1, ¶2). Therefore, it would have been obvious to one of ordinary skill in the art to modify Internet Archive I and II to apply the process to the computer aptitude arena by solicitation of potential enrollees in a computer training class, such as suggested by Evans, in order to avoid costly mistakes in career or training decisions by students.

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Regarding claim 9, the combination as applied to claim 1 lacks the step of contracting with a training entity. However, Internet Archive I and II refer to Art Instruction “Schools” in the plural sense and therefore implicit of more than one entity. The term “contract” is broadly interpreted as meaning a relationship among entities. Therefore, in Internet Archive I and II, the plural “Schools” inherently meets the step of contracting, i.e., a relationship among entities, as broadly recited in the claim.

5. Claims 3, 4, 13, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Internet Archive I (webpage, Art Instruction School home page), Internet Archive II (Art Instruction School scholarship page), and Evans (article, What best predicts computer proficiency?) as applied to claims 1, 2, 11, and 12 above, and further in view of Juniper Networks (article, Juniper Networks launches first purpose-built technical certification program for ISP professionals).

Juniper Networks teaches the use of multiple-choice timed test for evaluating computer aptitude (p.1, ¶2, 6). One benefit of using a multiple-choice test is the ease in grading the test and providing immediate results to a test taker.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Internet Archive I and II, and Evans combination, to include multiple-choice questions, such as taught by Juniper Networks, in order to provide immediate test results to the test taker.

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6. Claims 5, 6, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Internet Archive I (webpage, Art Instruction School home page), Internet Archive II (Art Instruction School scholarship page), and Evans (article, What best predicts computer proficiency?) as applied to claims 1, 2, 11, and 12 above, and further in view of Testa (article, Anew approach to programmer aptitude testing).

Testa teaches the use of pattern recognition questions to evaluate computer aptitude (p.49 and Figure 1). A pattern recognition test is used to measure the test taker's capacity to perform certain perceptual functions related to the computer field.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the Internet Archive I and II, and Evans combination, to include pattern recognition as a means to measure the test taker's capacity to perform certain perceptual functions related to the computer field.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

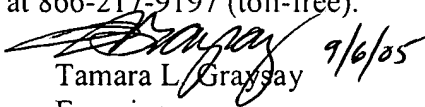
- Armstrong (article, Stepping up to IT career) teaches the use of an aptitude test before beginning an information technology or computer training course.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is (571) 272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 9/6/05
Tamara L. Gray
Examiner
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